

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.227 OF 2016

(Shri Sambha s/o Deu Mohurle and another ..vs.. State of Maharashtra, through PSO, PS Jaravandi,
District Gadchiroli)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 18-04-2016

Heard Shri N.R. Bhishikar, Advocate for the applicants and Shri N.B. Jawade, Additional Public Prosecutor for the non-applicant.

2. The applicants are seeking pre-arrest bail apprehending arrest in crime registered against them for offence punishable under Section 409 read with Section 34 of the Indian Penal Code.

3. According to the applicants, the applicants are Secretary and Vice-President of the society which has entered into an agreement with the Maharashtra State Co-operative Tribal Marketing Corporation Limited, Nashik regarding procuring the paddy crop directly from the farmers and storing it. According to the non-applicant, stock of 1011.58 quintals (1851 gunny bags) are misappropriated and the stock is not found with the accused.

4. The applicants have come up with the case that the stock of paddy crop is damaged because of rains and by the wild animals. According to the applicants, they have communicated with the authorities pointing out these facts earlier.

5. If the Adiwasi Vividh Karyakari Sanstha Maryadit, Jaravandi of which the applicants are the office bearers, had no facility to store the paddy crop, it should not have entered into agreement with the corporation. Again it goes unexplained as to why the officials of the corporation have entered into agreement with the society without ascertaining that the society is not having storage facility. Fact remains that huge quantity of paddy crop is destroyed/misappropriated regarding which the investigation is going on.

6. Considering the facts, I am not inclined to grant the prayer in the application. The application is dismissed.

JUDGE